

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,
 LAKE GEORGE, NEW YORK,
 OCTOBER 2, 2005

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 * Docket No.: DCA 06 MM 001
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Interview of: BRIAN HART

National Transportation Safety Board
 490 L'Enfant Plaza East, S.W.
 Washington, D.C. 20594

Wednesday,
 October 12, 2005

The above-captioned matter convened, pursuant to
 notice, via telephone, at 3:15 p.m.

BEFORE: MORGAN TURRELL

APPEARANCES:

MORGAN TURRELL

National Transportation Safety Board

SGT. WALTER SCHEDEL

New York State Park Police

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I N T E R V I E W

(3:15 p.m.)

MR. TURRELL: Okay, this is Morgan Turrell, National Transportation Safety Board. It's 3:15 on October 12. We're interviewing Brian Hart. And to my right --

SGT. SCHEDEL: Sergeant Walt Schedel, New York State Park Police.

INTERVIEW OF BRIAN HART

BY MR. TURRELL:

Q. And on the telephone is Brian Hart. Go ahead and introduce yourself.

A. My name is Brian Hart.

Q. And, Brian, if you could slowly give us your full address and telephone number, please.

A. (Deleted).

Q. And, Brian, if you'd give us your contact telephone number, please.

A. (Deleted) is the phone number.

Q. Okay, thanks. And would you please acknowledge that this is being tape-recorded?

A. I do acknowledge it's being tape recorded.

Q. Okay, thanks. Brian, I understand you have some information to provide the NTSB about October 2, the accident involving the Ethan Allen.

A. I do.

1 Q. Could you go ahead and just tell us where you were
2 and what you saw?

3 A. I was canoeing out of what is Cramer's Bay, they call
4 it. My parents camp there, quite a little bit in. I took
5 myself, daughter and three nieces for a canoe ride. We were
6 coming out from the beach and headed directly towards the Ethan
7 Allen. We were headed north. We were approximately 150 feet
8 from the boat. And it looked like the boat was starting out to
9 try and turn right a little bit, and it just kept turning over
10 and over and I was (indiscernible) I could see the bottom of
11 the boat coming up more and more, until I realized there was a
12 problem. I heard loud screams, and then the boat continued to
13 tip over. At that time, you know, I turned the canoe around
14 and got the kids off the boat and called 911, called my brother
15 Eric on shore. He came up in a 19-foot Trophy fishing boat.
16 And he picked me up and took me to the house where my kids
17 were, I left my kids off at, and we proceeded to the scene.

18 Q. Okay. Brian, could you again tell us what size canoe
19 you were in?

20 A. It was a fiberglass orange canoe, approximately 15
21 feet long.

22 Q. And you were with someone in the canoe?

23 A. Yes, my daughter and three nieces.

24 Q. Can you tell us what the conditions on the lake were
25 like that day?

1 A. Very calm, especially for Lake George. We did -- I
2 did say there was one small swell right as we were approaching
3 the canal and that was, you know, a very small wake, I would
4 say. And other than that, it was a clear day and it was very
5 calm.

6 Q. Did you feel that small swell in your canoe?

7 A. Yeah, we were headed right at it, so, you know, we
8 had the motions of it.

9 Q. Could you estimate the height of that swell?

10 A. You know, a foot at best.

11 Q. Is there -- was the swell generated from a particular
12 point you could see or just --

13 A. No, I couldn't -- I didn't see any big boats or other
14 boats at the time, no.

15 Q. And, Brian, can you tell us generally the route you
16 were traveling or the path you were traveling on when -- when
17 you first saw the Ethan Allen?

18 A. I was directly headed east, I'd guess you'd say. I
19 was going from the west side of the lake straight across to the
20 east side. I was approximately 300 to 400 feet offshore.

21 Q. Okay. And did you by chance see any other vessels in
22 the area?

23 A. I did not. I can't say I was looking at it and, you
24 know, I was partially probably blocked by the Ethan Allen. But
25 I really didn't see any other vessels.

1 Q. Can you pinpoint where you believe the Ethan Allen
2 was when it first experienced the way, in the turn, deep in the
3 turn?

4 A. I'm sorry, could you repeat that.

5 Q. Sure, could you tell us where you believe the Ethan
6 Allen first started -- when you first saw it turning?

7 A. It was just about past the point I think they call
8 Cramer's Point.

9 Q. Okay.

10 A. It was just about approximately -- it was about
11 there. (indiscernible) try a little bit of a right turn, you
12 know, possibly -- you know, maybe there was a little bit of a
13 swell or something, make a right turn and try to turn into it a
14 little bit. (indiscernible) over-reacting to it, try a turn
15 and really couldn't, and it just kept tipping up and up.

16 Q. Can you tell us which direction the boat tipped?

17 A. It would have tipped right, on the starboard side.
18 That's what I could see from my vantage point. I could see the
19 bottom of the boat coming up and up.

20 Q. At this point was the boat -- was the boat north of
21 you or south of you?

22 A. The boat was a little bit north of me. It was, you
23 know -- yeah, it would be a little bit north.

24 Q. So you were south of the Ethan Allen. Is that
25 correct?

1 A. Correct. I was right at the side of it,
2 perpendicular to it, but more south.

3 Q. Okay. So when you say you're perpendicular, you
4 could read the writing on the side of the boat? You could read
5 the words "Ethan Allen"?

6 A. (Indiscernible). I've seen the boat many times. I
7 knew it was the Ethan Allen. I can't, you know, right now --
8 you know, I'm sure there was writing on the side. I can't
9 recall, you know.

10 Q. Right. There was writing on the side. So you were
11 looking at the side aspect of the boat?

12 A. Yes.

13 Q. Okay. So do you recall the direction of travel, if
14 it was traveling from left to right or from right to left from
15 your vantage point?

16 A. I'm sorry, I don't understand the question.

17 Q. Okay, you were heading -- you were south of the Ethan
18 Allen. You were perpendicular to its track. Were you -- was
19 the Ethan Allen traveling from your left to right or from your
20 right to left?

21 A. It would be traveling from my right going left. I
22 know my canoe was heading right towards it. So, you know, the
23 Ethan Allen was coming from the south, headed north.

24 Q. Okay. So basically the Ethan Allen was between you
25 and the shoreline?

1 A. No, between the east side of the lake and me. I was
2 coming from the west side headed to the east side. The Ethan
3 Allen was in front of me.

4 Q. Okay, so when the boat tipped over, did it tip away
5 from you or did it tip towards you?

6 A. It tipped away from me.

7 Q. Okay. Could you -- you said the boat was -- looked
8 like it was attempting to make a turn?

9 A. Yes. It looked like it was starting to turn right a
10 little bit, just to me this (indiscernible) like what they were
11 reacting, it looked like it wasn't able to turn right right
12 away and then it just kept going like a sailboat. It just kept
13 coming up and up and up, you know, and then, you know I heard
14 the screams. That's how I -- I mean, I knew there were a lot
15 of people on the boat. It kept coming up and, you know, went
16 over the halfway point, and obviously it just kept going. You
17 know, it was all slow motion. It was a very slow turnover.

18 Q. Right. Did you notice anything unusual about the
19 boat as far as its sitting in the water? Was heavy on one end
20 or the other or did it have a list?

21 A. I mean, it almost seemed -- because I had seen the
22 boat many times on the lake in the past. And to me, it was
23 like sitting lower in the water than I'd seen it in the past.
24 But, you know, that's just my -- what I thought. You know, I'm
25 not a boat expert, but it did seem to me to be sitting down

1 low.

2 Q. Okay. But as far as like bow or stern, it didn't
3 seem to be any deeper?

4 A. No. I wouldn't say so, no. It looked like the whole
5 boat was maybe positioned more than normal.

6 Q. Okay. Could you see anyone standing inside the boat?

7 A. I could not.

8 Q. You were, I guess, considerably lower than -- you
9 were looking up towards the passengers. Is that right?

10 A. Correct, correct.

11 Q. Can you estimate your height of eye, looking at the
12 boat, off the water?

13 A. The height from the --

14 Q. Your height of eye above the waterline? You were
15 probably sitting about three or four feet above the water in
16 the canoe?

17 A. I was sitting -- yeah, I'm sitting in the canoe. So,
18 yeah, it's probably three foot, three to four foot above the
19 water, on the line of sight.

20 Q. Okay, now could you see the captain from where you
21 were?

22 A. I could not. I'm sure if I looked I could have, but
23 I really wasn't at that time looking at the people on board.
24 You know, we were heading straight towards them and I just, you
25 know, was looking at it but I wasn't really focusing in on any

1 one person.

2 Q. Sir, could you estimate from the time you saw the
3 boat trying to turn, can you estimate how long it was before it
4 capsized?

5 A. I would say it was almost -- it felt like 30 seconds.
6 From the time it was starting to turn and starting to come up,
7 this was probably around 30 seconds.

8 Q. And would you describe this as a capsizing or a
9 sinking?

10 A. I'm sorry, say again?

11 Q. Would you describe this as a capsizing or a sinking?

12 A. Oh, a capsizing. I mean, it was definitely turning
13 over. I didn't see it sinking.

14 Q. Okay. And you called 911. Can you tell us how long
15 it was before an official rescue asset reached the boat?

16 A. Well, it felt to me to be 15 to 20 minutes.

17 Q. And do you recall which -- which boat that was?

18 A. I'd hate to say. I was in the water anyway. I
19 jumped right in the water as soon as we reached the Ethan
20 Allen. So I was just in the water pulling people off the boat.
21 And then private boats were coming, so I was just trying to get
22 people out of the boat. And, you know, so it's like I kept
23 remembering, looking around, looking -- you know, I was just
24 hoping boats and divers would show up. It seemed to be 15 or
25 20 minutes before I heard sirens or boats. You know, so I

1 think it was like 15 or 20 minutes. I can remember one of the
2 first boats I did see from where I was, was a boat, rescue type
3 boat. I think it might have been red. I know it had a side
4 door that opened up, because we were able to, I think, roll a
5 person over onto the deck of the boat. We were able to slide
6 them through a doorway into one of the rescue boats, one of the
7 patrol boats. That's the first boat I remember seeing, but I
8 can't tell you whether it was the first boat on site.

9 Q. Sure. And how many persons did you manage to pull
10 out of the water; do you recall?

11 A. (Indiscernible) a half a dozen I think I was able to
12 take off the boat.

13 Q. And were those all survivors or were they victims?

14 A. One, I know died. One was a (indiscernible) rolled
15 her over onto the boat platform, and she just went out. And I
16 heard that they didn't revive her. So I would say -- I can't
17 tell you for sure at that point. I don't know what happened to
18 them. People were pulling up in their boats and I kind of lost
19 track. But I know one lady only because I remember getting
20 into a discussion with the guy on the boat, that looked over
21 and made a comment that, you know, it was their 55th
22 anniversary and it doesn't look good. You know, I remember
23 seeing all types of things and I (indiscernible) until later.

24 Q. Right.

25 A. That's the only one I know of that may have died,

1 that did die.

2 Q. Okay, and I have another question for you. When the
3 boat was actually turned over and you were pulling people out,
4 do you recall how the boat was sitting in the water? Was it
5 higher on one end and lower another? Can you describe how it
6 was floating, upside down or whatever?

7 A. It seems to me it was all even. The whole bottom
8 was -- it was fairly even. It looked like it was fairly even
9 and, you know (indiscernible) five or eight minutes, all of a
10 sudden (indiscernible), the thing went full throttle and black
11 smoke and screaming. The engines were whirring pretty good and
12 at that time (indiscernible). But that's the only thing I
13 remember about -- you know, the boat was staying pretty good
14 and I was kind of hoping it would stay that way so we would
15 have a chance to get the people out from underneath
16 (indiscernible).

17 Q. And when you say the engines roared, was the
18 propeller spinning?

19 A. You know, I never saw -- someone else had asked me
20 that. I don't remember seeing the propeller, although, you
21 know, I'm sure it was on the rear of the boat. But I never saw
22 a propeller (indiscernible) grey smoke and, you know, the
23 throttle seemed to open up, because it was all black. It was
24 very black. So I never saw a propeller.

25 Q. And can you give us an estimate of how long it took

1 before the vessel fully sank?

2 A. If I'd have to guess, it was 20 minutes to about a
3 half hour, maybe.

4 MR. TURRELL: Okay, I'll let Sergeant Schedel ask
5 some questions now. Thanks, Brian.

6 BY SGT. SCHEDEL:

7 Q. How are you doing, Brian?

8 A. How are you?

9 Q. I just have a couple of questions, just to clear up
10 in my mind exactly where the boat was. And it's a lot easier
11 when you're here in front of us, because we actually point to a
12 chart and let you sketch it out. But it's not easy to do over
13 the telephone. The boat was -- or the Ethan Allen was
14 northbound along the shoreline. Could you tell me a rough idea
15 of how far offshore the Ethan Allen was?

16 A. The point I'm familiar with -- Cramer's Point is
17 where I think it happened, correct?

18 Q. Yes.

19 A. There's an inlet that comes out?

20 Q. Mm-hmm.

21 A. I would say it was no more than 100 foot off that
22 point.

23 Q. So he was a hundred foot into the lake off of
24 Cramer's Point?

25 A. He was a hundred foot into the lake off of Cramer's

1 Point.

2 Q. So he never actually entered the little bay there
3 inside Cramer's Point?

4 A. That's correct.

5 Q. Okay, and you also mentioned that you saw him
6 starting to make a turn?

7 A. It looked like he was trying to turn the boat right.
8 I remember it looked like the nose of the boat was starting to
9 tip, you know, towards the left side, to try to take a right
10 turn, but it just -- you know, to me, -- and again, it just --
11 it didn't seem like he could get it to turn too quick. And it
12 just slowly (indiscernible) just keep seeing more and more of
13 the boat tipping. And it must have reached the point where
14 people started moving, sliding or something, because all I
15 could hear was screams.

16 Q. Okay, how far into the turn did the boat actually get
17 when it turned to the right? If you were, let's say, looking
18 at a clock, and that boat was headed -- turned directly towards
19 12:00 while it was moving along the shoreline, how far around
20 did it get?

21 A. I would say 1:00, between 1:00 and 2:00 at best.

22 SGT. SCHEDEL: That's about what I've got right at
23 the moment. Have you got more?

24 MR. TURRELL: Brian, I think for now that's -- we'll
25 conclude our interview. And I'll ask you to go ahead and

1 acknowledge if this has been recorded.

2 MR. HART: Okay, I realize it's being recorded.

3 MR. TURRELL: And I have your e-mail address and
4 phone numbers and we may contact you in the future for a
5 further statement if necessary, okay?

6 MR. HART: Yes, that's fine.

7 MR. TURRELL: Okay, thank you very much, and I'll end
8 the recording.

9 (Whereupon, the interview in the above-entitled
10 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of Brian Hart

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE: October 12, 2005

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

Phyllis Jarvis
Transcriber